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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,659	08/17/2001	Denise Minnigh	208802/016	4573
7590	10/17/2003		EXAMINER	
STROOCK & STROOCK & LAVAN LLP 180 Maiden Lane New York, NY 10038			SONG, HOON K	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Applicant No.	Applicant(s)
	09/932,659	MINNIGH ET AL. <i>[Signature]</i>
	Examiner	Art Unit
	Hoon Song	2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 07 July 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3, 6-13 and 16-20 is/are rejected.

7) Claim(s) 4, 5, 14 and 15 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 17 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, front wall, side walls back wall, rectangular cover, hinge, latch and computed radiography reader must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: cassette, front wall, side walls back wall, rectangular cover, hinge, latch and computed radiography reader. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-9 and 17-19 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 10, 13 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, 10, 13 and 20 contain the trademark/trade name FCR 5000 CR and Fuji CR. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a reader and, accordingly, the identification/description is indefinite.

Claims 7-9 and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7 and 17 provide for the use of an x-ray film, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process

applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claims 8 and 18 provide for the use of photostimulable phosphor sheet, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claims 9 and 19 provide for the use of the cassette, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 6-9, 11 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorli (US 3804625) in view of Dewaele et al. (US 6273606).

Regarding claims 1 and 11, Sorli teaches an x-ray film cassette comprising:

A rectangular cartridges body having a front wall, a pair of side walls and a back wall (figure 4);

A rectangular cover hinged at one side thereof to the back wall of said body by a hinge (62);

A latch (82) provided at one side of said cover opposite to the hinged side, said latch being manually operable to be moved from a latching position to a released position; and

A slot provided in the front wall of the body to be engaged with said latch of the cover (figure 4).

However Sorli fails to teach at least two imaging plates for recording an image generated by an x-ray source wherein said at least two imaging plates overlap so as to prevent loss of diagnostic information.

Dewaele teaches at least two imaging plates (4) for recording an image generated by an x-ray source wherein said at least two imaging plates overlap (figure 1a) so as to prevent loss of diagnostic information.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to combine Dewaele's more than one imaging plates and Sorli's

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imaging cassette structure in order to record a radiation image of an elongated body using imaging sheets each having a length that is smaller than the length of the elongated body (column 2 line 40+). Accordingly, it would save cost of the imaging because longer imaging sheets are more expensive than short imaging sheets.

Regarding claims 7-9 and 17-19, Sorli teaches the image sheet is photostimulable phosphor sheet.

Regarding claims 6 and 16, Sorli fails to teach that said imaging plate is 14" x 17" in size.

However, such modification would have constituted an obvious engineering variation well within the ordinary skill in the art because changing the size of the functionally equivalent element such as the image plate would be within the inventor's experimental observation for intended use by applying existing mechanical variations such as size.

Claims 2-3, 10, 12-13 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Sorli as modified by Dewaele as applied to claim 1 above, and further in view of Luo et al. (US 5901240).

Sorli fails to teach said imaging plate can be processed by a computed radiography reader without manually removing the imaging plates from the cassette.

Luo teaches a computed radiography reader.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to open the hinged cover of Sorli's cassette and use Luo's known

type of image reader to record scanned image in order to prevent any damage while removing the imaging sheet from the cassette.

***Allowable Subject Matter***

Claims 4, 5, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

None of the prior art teaches or suggests a plurality of indicia marks on said imaging plates such that said imaging plates can be automatically aligned as claimed in dependent claims 4 and 14.

None of the prior art teaches or suggests said at least two imaging plates are separated by a "Z" fold of a material having a size that is sufficient to prevent said overlapping image plats from coming into direct contact with each other as claimed in dependent claim 5 and 15.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoon Song whose telephone number is 703-308-2736. The examiner can normally be reached on 8:30 AM - 5 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on 703-308-4858. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Hoon Song HJS

DAVID V. BRUCE  
**PRIMARY EXAMINER**